

SENATE BILL 679

P5, E1, E2

2lr2983
CF 2lr1606

By: **Senator Forehand**

Introduced and read first time: February 3, 2012

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **General Assembly – Fiscal Notes – Criminal Justice Policy Impact Statements**

3 FOR the purpose of requiring a fiscal note for a bill to include a criminal justice policy
4 impact statement under certain circumstances; requiring the criminal justice
5 policy impact statement to contain certain information; requiring the
6 Department of Legislative Services to prepare the criminal justice policy impact
7 statement by requesting certain information from certain entities; prohibiting
8 certain entities from being required to prepare certain information for inclusion
9 in the criminal justice policy impact statement; and generally relating to
10 criminal justice policy impact statements in fiscal notes.

11 BY repealing and reenacting, with amendments,
12 Article – State Government
13 Section 2–1505(e)
14 Annotated Code of Maryland
15 (2009 Replacement Volume and 2011 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – State Government**

19 2–1505.

20 (e) (1) A fiscal note for a bill shall contain an estimate of the fiscal impact
21 of the bill on the revenues and expenditures of the State government and of local
22 governments:

23 (i) during the year in which the bill is to become effective and
24 the next 4 years after that year; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) if the full fiscal impact of a bill is not expected to occur
2 during those years, during each year until and the first year during which that impact
3 is expected to occur.

4 (2) If a bill, as introduced or amended, imposes a mandate on a local
5 government unit, the fiscal note for the bill shall contain:

6 (i) a statement that clearly identifies the imposition of the
7 mandate; and

8 (ii) an estimate of the fiscal impact of the mandate and, if
9 applicable and if data is available, the effect on local property tax rates.

10 (3) If a bill, as introduced or amended, requires a mandated
11 appropriation, the fiscal note for the bill shall contain:

12 (i) a statement that clearly identifies the imposition of the
13 mandated appropriation; and

14 (ii) an estimate of the fiscal impact of the mandated
15 appropriation.

16 (4) (I) A FISCAL NOTE FOR A BILL SHALL INCLUDE A CRIMINAL
17 JUSTICE POLICY IMPACT STATEMENT IF THE BILL, AS INTRODUCED OR
18 AMENDED, DOES THE FOLLOWING:

19 1. CREATES A CRIMINAL OFFENSE;

20 2. SIGNIFICANTLY ALTERS THE ELEMENTS OF AN
21 EXISTING CRIMINAL OFFENSE;

22 3. ALTERS THE PENALTIES APPLICABLE TO A
23 CRIMINAL OFFENSE; OR

24 4. ALTERS EXISTING SENTENCING, PAROLE, OR
25 PROBATION PROCEDURES.

26 (II) THE CRIMINAL JUSTICE POLICY IMPACT STATEMENT
27 REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE, TO
28 THE EXTENT THE INFORMATION IS AVAILABLE, THE FOLLOWING:

29 1. AN ESTIMATE OF THE NUMBER OF CRIMINAL
30 CASES THAT WOULD BE AFFECTED BY THE BILL DURING THE YEAR IN WHICH
31 THE BILL IS TO BECOME EFFECTIVE AND ANY ESTIMATES AVAILABLE FOR THE
32 FOLLOWING YEARS;

1 2. AN ESTIMATE OF THE FISCAL IMPACT OF
2 DETAINING, IMPRISONING, OR IMPOSING OTHER PENALTIES ON INDIVIDUALS IN
3 ACCORDANCE WITH THE PROVISIONS OF THE BILL DURING THE YEAR IN WHICH
4 THE BILL IS TO BECOME EFFECTIVE AND ANY ESTIMATES AVAILABLE FOR THE
5 FOLLOWING YEARS;

6 3. THE POTENTIAL IMPACT OF THE BILL ON RACIAL
7 AND ETHNIC GROUPS;

8 4. THE POTENTIAL IMPACT OF THE BILL ON
9 EXISTING STATE OR COUNTY DETENTION FACILITIES, CORRECTIONAL
10 FACILITIES, OR OTHER PROGRAMS USED FOR SENTENCING;

11 5. WHETHER THE BILL IS LIKELY TO CREATE A NEED
12 FOR ADDITIONAL DETENTION OR CORRECTION FACILITIES OR JUVENILE
13 PLACEMENT SERVICES;

14 6. THE ESTIMATE OF THE FISCAL IMPACT
15 ASSOCIATED WITH THE NEED FOR ADDITIONAL JUDICIAL RESOURCES FOR
16 LEGAL REPRESENTATION AND COURT SERVICES DURING THE YEAR IN WHICH
17 THE BILL IS TO BECOME EFFECTIVE AND ANY ESTIMATES AVAILABLE FOR THE
18 FOLLOWING YEARS.

19 (III) THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL
20 PREPARE THE CRIMINAL JUSTICE POLICY IMPACT STATEMENT BY REQUESTING
21 AVAILABLE INFORMATION FROM THE FOLLOWING:

- 22 1. THE DEPARTMENT OF JUVENILE SERVICES;
- 23 2. THE DEPARTMENT OF PUBLIC SAFETY AND
24 CORRECTIONAL SERVICES;
- 25 3. THE JUDICIARY; AND
- 26 4. ANY OTHER STATE, COUNTY, OR LOCAL ENTITY
27 THAT THE DEPARTMENT OF LEGISLATIVE SERVICES DEEMS NECESSARY.

28 (IV) THE DEPARTMENT OF LEGISLATIVE SERVICES OR ANY
29 OTHER STATE, COUNTY, OR LOCAL ENTITY MAY NOT BE REQUIRED TO PREPARE
30 INFORMATION THAT IS NOT READILY AVAILABLE FOR INCLUSION IN THE
31 CRIMINAL JUSTICE POLICY IMPACT STATEMENT.

1 **[(4)] (5)** A fiscal note shall identify the sources of the information
2 that the Department used in preparing the estimates of fiscal impact.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2012.